

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

IN RE:

CYNTHIA D COTTON

Debtor

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Case No.: 09-24946-JS

Chapter 13

**MOTION TO DISMISS CASE FOR
MATERIAL DEFAULT IN PLAN PAYMENTS**

Gerard R. Vetter, Chapter 13 Trustee, files this Motion to Dismiss Case and states as follows:

1. The plan in this Chapter 13 case was confirmed by Order entered March 18, 2010.
2. The Debtor is in material default under the terms of the plan by having failed to maintain the payments required by the plan. The default in payments now totals \$2,745.00, approximately 3.3 months.
3. The failure of Debtor to make plan payments has created an unreasonable delay prejudicial to the creditors in this case.
4. For the reasons stated, cause exists under 11 U.S.C. §1307(c) to dismiss this case.

WHEREFORE, the Trustee requests this Court to dismiss this case, and to grant such other relief as is just.

/s/Gerard R. Vetter
Gerard R. Vetter, Trustee
Chapter 13 Trustee
100 S. Charles Street, Suite 501
Tower II
Baltimore, MD 21201
Phone: (410) 400-1333
Fax: (410) 400-1301
E-mail: catrinab@bmore13.com

TO THE DEBTOR; RESPONSES OR OBJECTIONS TO THIS MOTION TO DISMISS MUST BE FILED WITHIN 21 DAYS FROM THE DATE OF THE CERTIFICATE OF SERVICE BELOW. ANY RESPONSE OR OBJECTION MUST INCLUDE THE FACTS AND LEGAL GROUNDS ON WHICH THE RESPONSE OR OBJECTION IS BASED. ANY RESPONSE OR OBJECTION MUST BE FILED WITH THE BANKRUPTCY COURT, WITH A COPY SERVED ON THE CHAPTER 13 TRUSTEE, GERARD R. VETTER, 100 S. CHARLES STREET, SUITE 501, TOWER II, BALTIMORE, MARYLAND 21201, E-MAIL catrinab@bmore13.com. THIS CASE MAY BE DISMISSED WITHOUT FURTHER ORDER OR NOTICE IF NO TIMELY OBJECTION IS FILED. THE COURT IN ITS DISCRETION MAY CONDUCT A HEARING OR DETERMINE THE MATTER WITHOUT A HEARING REGARDLESS OF WHETHER AN OBJECTION IS FILED.

CERTIFICATE OF SERVICE

I hereby certify that on this July 28, 2010, to the extent that the following persons were not served electronically via the CM/ECF system, I caused a copy of the pleading above referenced to be sent, by First Class U.S. Mail, postage prepaid to:

Cynthia D Cotton
1128 Wilson Avenue
Gwynn Oak, MD 21207

Edward C. Christman Jr., Esq.
810 Gleneagles Court
Suite 301
Towson, MD 21286
Counsel for Debtor

/s/ Gerard R. Vetter
Gerard R. Vetter